



HR0657

LRB096 14872 GRL 29738 r

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HOUSE RESOLUTION

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WHEREAS, The Tenth Amendment to the Constitution of the United States specifically provides that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

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WHEREAS, The Tenth Amendment was part of the original Bill of Rights, which was proposed on September 25, 1789, ratified by three-fourths of the states, and went into effect on December 15, 1791; and

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WHEREAS, The Tenth Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states, rather than the states being agents of the federal government; and

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WHEREAS, When taking the oath of office, all members of the Illinois General Assembly solemnly swear that they will support the Constitution of the United States and the Constitution of the State of Illinois; and

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WHEREAS, Many federal mandates are in direct violation of the Tenth Amendment to the Constitution of the United States and infringe upon both Illinois' reserve powers and the

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1 people's reserved powers; and

2 WHEREAS, The United States Supreme Court ruled in *New York*  
3 *v. United States*, 505 U.S. 144 (1992), that Congress may not  
4 simply commandeer the legislative and regulatory processes of  
5 the states by compelling them to enact and enforce regulatory  
6 programs; and

7 WHEREAS, The United States Supreme Court, in *Printz v.*  
8 *United States/Mack v. United States*, 521 U.S. 898 (1997),  
9 reaffirmed that the Constitution of the United States  
10 established a system of "dual sovereignty" that retains "a  
11 residuary and inviolable sovereignty" by the states;  
12 therefore, be it

13 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
14 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that  
15 the State of Illinois hereby claims sovereignty under the Tenth  
16 Amendment to the Constitution of the United States over all  
17 powers not otherwise enumerated and granted to the federal  
18 government by the Constitution of the United States; and be it  
19 further

20 RESOLVED, That this resolution shall serve notice to the  
21 federal government of our demand to maintain the balance of  
22 powers where the Constitution of the United States established

1 it; and be it further

2 RESOLVED, That we state our intentions to ensure that all  
3 government agencies and their agents and employees operating  
4 within the geographic boundaries of the State of Illinois, or  
5 whose actions have an effect on the inhabitants, lands, or  
6 water of Illinois, shall operate within the confines of the  
7 original intent of the Constitution of the United States; and  
8 be it further

9 RESOLVED, That suitable copies of this resolution be  
10 delivered to the President of the United States, the President  
11 pro tempore of the United States Senate, the Speaker of the  
12 United States House of Representatives, and each member of the  
13 Illinois congressional delegation.